

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:21-cv-00325-MOC-WCM

MARILYN BOROM

Plaintiff,

v.

KATHERINE COX; DR. ANGELA  
PITTMAN-VANDERWEIDE; AMANDA  
VANDEROEF; TRANSYLVANIA  
COUNTY DEPARTMENT OF  
SOCIAL SERVICES; and  
TRANSYLVANIA COUNTY,  
NORTH CAROLINA

Defendants.

ORDER

This matter is before the undersigned on Defendants' Motion to Dismiss (the "Motion to Dismiss," Doc. 13).

Defendants filed their Motion to Dismiss on February 4, 2022. Doc. 13.

On April 5, 2022, Plaintiff, with the consent of Defendants, filed an Amended Complaint. Doc. 22.

"The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect." Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001); see also Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in

the case, it renders the original complaint ‘of no effect’’).

Accordingly, the Motion to Dismiss is now moot. See Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Ledford v. Eastern Band of Cherokee Indians, No. 1:20-CV-005-MR-DCK, 2020 WL 1042235 at 1 (W.D.N.C. March 3, 2020) (“It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot”).

**IT IS THEREFORE ORDERED** that Defendants’ Motion to Dismiss (Doc. 13) is **DENIED AS MOOT**. This denial is without prejudice to the filing of any motions challenging the Amended Complaint, if appropriate.

Signed: April 19, 2022



W. Carleton Metcalf  
United States Magistrate Judge

